

INSTRUCTIONS & CHECKLIST

PACKET “C” -- DISSOLUTION -- without children

I. STARTING THE DIVORCE PROCESS ---- “DISSOLUTION”:

There are LOTS of forms that will need to be completed. Take it step-by-step-- in order -- and it should make it easier for you. On the top half of the first page of every court document there is a “**heading**” which identifies the party completing the form and a “**caption**” which sets out the case description. Fill out the heading and caption on every form. Because you filed for dissolution, YOU ARE THE PETITIONER.

STEP 1. -- Filling Out The Forms

- ☐ Form #36 Fill in every section. Sign page 6 in two places in front of a notary public.
*** Please note: The Clerk of Court’s Office cannot notarize these documents. One can be found at banks, law offices, etc.
- ☐ Form #37 Complete and read. This is for the Clerk of District Court to sign. You will receive a copy.
- ☐ Form #38 Complete and sign.
- ☐ Form #39a Complete. Sign on page 6 in front of a notary public.
- ☐ Form #39b Complete and sign.
- ☐ Form #40a Complete. Sign on page 3. Later, your spouse will also sign page 3 to verify it was received.

STEP 2. -- Making Copies

- ☐ Make 2 copies of Form 36 (Petition)
- ☐ Make 4 copies of Form 37 (Summons)
- ☐ Make 2 copies of Documents #38, 39a, 39b & 40a.

STEP 3. -- Filing Case With Clerk of Court.

- ☐ Bring the originals and all copies of every form filled out in Step 1 to the Clerk of District Court’s Office for filing. The Clerk will assign a cause number and department number to identify your case with the Court. One copy will be for your own personal records.
- ☐ \$200.00 Fee -- cash/money order/personal check (subject to change). If you cannot afford the fee, ask the Clerk for the form “Affidavit of Financial Indigence.” If the Judge approves your indigence status, your fees will be waived.
- ☐ The Clerk will file stamp all your documents (copies and originals). The Clerk will keep the originals and give you the copies. One set is to be retained by you. One copy is for service upon your spouse. The original Summons will be retained by the Clerk of Court and they will issue a Duplicate Original to use for service.
- ☐ Form 39a & 39b. You MUST provide a copy of Form 39a to your spouse. Your dissolution file is a public file, and you do not have to file Form 39a with the Clerk of Court if you do not want to. If you choose not to, you need to file Form 39b certifying that you have served your spouse with a copy of Form 39a.

II. SERVING DIVORCE PAPERS ---- “DISSOLUTION”:

STEP 4. -- Serving the Other Party.

NOTE: If there is a TOP or Order of Protection that prohibits you from contacting your spouse, service of these documents must only be accomplished following the directions in #1 or #2 below. You must not personally deliver these documents to your spouse.

There are three ways to serve the copies of documents you have now prepared on the other party.

- 1) You can give the documents to the Sheriff for delivery. You will be charged a fee. If you use this method, fill out Form 40b (Praecipe) which gives the Sheriff directions on who and where to serve the papers. After service is made, the Sheriff will complete his record of service on page 2 and return it to you with the duplicate original Summons. Both documents then need to be filed with the Clerk of Court.

Documents to Include With the Praecipe Given to the Sheriff's Office:

Form #36, 37, 38, 39a, 39b, and 40a

OR

- 2) You can mail the documents (Form #36, 37, 38, 39a, 39b, and 40a) to the other party. It is your responsibility to make sure the other party signs and returns the Acknowledgment of Service form. If signed and returned, file the Acknowledgment of Service form (Form 40a).

OR

- 3) You can personally deliver the documents (Form #36, 37, 38, 39a, 39b, and 40a) to the other party **UNLESS there is a TOP or Order of Protection in place**. It is your responsibility to make sure the other party signs and returns the Acknowledgment of Service form (Form 40a). If signed and returned, file the Acknowledgment of Service form with the Clerk of Court.

***** **IF 20 DAYS PASS AND YOUR SPOUSE HAS NOT FILED A RESPONSE TO YOUR PETITION ----- YOU MAY STILL OBTAIN A DIVORCE, BUT YOU WILL NEED TO PICK UP AND COMPLETE A "DEFAULT PACKET" FROM THE CLERK OF DISTRICT COURT.**

III. REACHING AGREEMENT:

STEP 8. -- Final Agreements.

It is best if you are able to reach agreement between yourselves on parenting, child support and property.

- ☐ Form #41a Once you've reached agreement, complete Form #41a and sign before a notary public. (If you need assistance reaching agreement, see the enclosed Resource Sheet listing mediators.)
 - ☐ Make 2 copies of each form - one for yourself and one for your spouse.
 - ☐ File original Form #41a with the Clerk of Court.

 - ☐ Form #42b Complete and sign before a notary public. Mail copy to spouse.
 - ☐ Form #42c Complete and sign before a notary public. Mail copy to spouse.
- You may file either #42b or #42c with the Clerk of Court. The choice is yours.**

Skip to Step #10.

IV. UNABLE TO REACH AGREEMENT:

STEP 9. -- Asking the Court to Decide.

- ☐ Form #41b If you can't agree on property division, complete this form, sign, and file the original with the Clerk of Court. Mail a copy to your spouse.

 - ☐ Form #41c Complete caption and file with the Clerk of Court. The Judge will set a date to hear evidence on the contested issue(s).

 - ☐ Form #42b Complete and sign before a notary public. Mail copy to spouse.
 - ☐ Form #42c Complete and sign before a notary public. Mail copy to spouse.
- You may file either #42b or #42c with the Clerk of Court. The choice is yours.**

V. FINAL PAPERWORK:

STEP 10. -- More Paperwork !!! (You're almost done!)

- ☐ Form #43 Complete - do not sign. The Judge will sign at the hearing.
- ☐ Form #44 Complete caption - do not sign. (You will sign later - See Step # 14.)
- ☐ Form #45 Complete those sections you can. After the hearing you will be expected to **fully** complete the form.
- ☐ Form #46a Complete caption only.
- ☐ Form #46b Complete caption only.

- ☐ Make 1 copy of Doc # 43, 44, 45, 46a and 46b for your records.
- ☐ Make 2 copies of Form #43.
- ☐ Deliver all of these forms, together with 2 copies of Form #43, to the Clerk of Court, **with Form #46a on top**. If the paperwork is not in order, the Court's Reviewer will be in contact with you.

- ☐ If you have filed Form #41a (Settlement Agreement) you will be notified of the hearing date for the final decree of dissolution.
- ☐ If you have filed Form #42b (Request for Hearing) you will be notified of the hearing date to decide the issues.

VI. HEARING IN COURT:

You have chosen to represent yourself. Arrive at the courthouse early. While divorce can be very difficult and emotional, the Court expects the parties to be civil and remain focused on the legal issues.

STEP 12. -- Court Hearing - on Contested Issues.

Be prepared to present evidence to the Court and discuss your position.

STEP 13. -- Court Hearing - Final Decree - Non-contested.

You have reached an agreement with your spouse and he/she has signed the Marital and Property Settlement Agreement wherein he/she consented to the entry of the final decree (Document #41a, page 7). Both parties can attend the hearing on the final decree, but it is NOT NECESSARY that your spouse attend. You should be prepared to be sworn in, take the witness stand, answer any questions asked of you by the opposing party or the Judge.

VII. AFTER THE HEARING:

STEP 14. -- Final Paperwork.

- ☐ After the hearing, you must file Form #45 with the Clerk of Court.
- ☐ A filing fee of \$45 (subject to change) must be paid to the Clerk of Court before the Final Decree is filed.
- ☐ Copies of the Final Decree will be available at the Clerk of Court's office. The Clerk's office charges \$10 per copy. However, you have already supplied two extra copies of the Final Decree. The Clerk's office will conform these copies with the original without any cost. The Clerk should then certify the two copies. The cost for certification is \$2.00 each.
- ☐ Form #44 Complete, sign, and mail a copy to your spouse, together with one copy of the Final Decree (Form #43) signed by the Judge. File original Form #44 with the Clerk of Court.

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